

## **Assembly Bill No. 274**

### **CHAPTER 733**

An act to add Sections 8221.5, 8227.3, 8262.1, and 8262.3 to the Education Code, relating to child care and development services.

[Approved by Governor October 11, 2013. Filed with  
Secretary of State October 11, 2013.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 274, Bonilla. Child care and development services.

(1) The Child Care and Development Services Act, administered by the State Department of Education, provides that children up to 13 years of age are eligible, with certain requirements, for child care and development services. The act requires the department to contract with local contracting agencies to provide for alternative payment programs, and authorizes alternative payment programs for services provided in licensed centers and family day care homes and for other types of programs that conform to applicable law.

This bill would require child care providers authorized to provide services pursuant to those provisions to submit to the alternative payment program a monthly attendance record or invoice for each child who received services that, at a minimum, documents the dates and actual times care was provided each day. The bill would require the monthly attendance record or invoice to, at a minimum, be signed by the parent or guardian of the child receiving services and the child care provider once per month to attest that the child's attendance is accurately reflected. The bill would require verification of attendance to be made by signature at the end of each month of care and under penalty of perjury by both the parent or guardian of the child receiving services and the child care provider. By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program. The bill would require an alternative payment program to accept the monthly attendance record or invoice as documentation of the hours of care provided if the attendance record or invoice includes adequate information documented on a daily basis, as specified. The bill would specify the hours or days and hours that an alternative payment program is required to reimburse. The bill would make these provisions operative on July 1, 2014.

This bill would also authorize alternative payment programs and providers and other contractors providing child care development services to maintain records in electronic format if the original documents were created in electronic format, including, but not limited to, child immunization records.

(2) Existing law authorizes the Superintendent of Public Instruction to enter into and execute local contractual agreements with any public or private entity or agency for the delivery of child care and development services

related to the delivery of child care and development services or the furnishing of property, facilities, personnel, supplies, equipment, and administrative services related to the delivery of child care development services.

This bill would require the department, on and after the date on which the Superintendent determines that the Financial Information System for California has been implemented within the department, at the request of a contractor, to request the Controller to make payments via direct deposit by electronic funds transfer, as specified.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. Section 8221.5 is added to the Education Code, to read:

8221.5. (a) Child care providers authorized to provide services pursuant to this article shall submit to the alternative payment program a monthly attendance record or invoice for each child who received services that, at a minimum, documents the dates and actual times care was provided each day, including the time the child entered and the time the child left care each day. The information shall be documented on a daily basis.

(b) The monthly attendance record or invoice shall, at a minimum, be signed by the parent or guardian of the child receiving services and the child care provider once per month to attest that the child's attendance is accurately reflected. The verification of attendance shall be made by signature at the end of each month of care and under penalty of perjury by both the parent or guardian of the child receiving services and the child care provider.

(c) The monthly attendance record or invoice shall be maintained by the child care provider in the unaltered original format in which it was created, which may be in paper form or electronic format.

(d) The alternative payment program shall accept the monthly attendance record or invoice as documentation of the hours of care provided if the attendance record or invoice includes adequate information documented on a daily basis, including, at a minimum, the dates and actual times care was provided each day, including the time the child entered and the time the child left care each day. The alternative payment program shall reimburse child care providers based upon the following criteria:

(1) The hours of service provided that are broadly consistent with certified hours of need.

(2) For families with variable schedules, the actual days and hours of attendance, up to the maximum certified hours.

(3) For license-exempt providers that provide part-time services, the actual days and hours of attendance, up to the maximum certified hours.

(e) For purposes of reimbursement to providers through an alternative payment program, contractors shall not be required to track absences.

(f) For purposes of this section, a monthly attendance record or invoice is defined as documentation that includes, at a minimum, the name of the child receiving services, the dates and actual times care was provided each day, including the time the child entered and the time the child left care each day, that is signed under penalty of perjury by both the parent or guardian and the child care provider, attesting that the information provided is accurate.

(g) This section shall become operative on July 1, 2014.

SEC. 2. Section 8227.3 is added to the Education Code, to read:

8227.3. (a) Alternative payment programs and providers operating or providing services pursuant to this article may maintain records in electronic format only if the original documents were created in electronic format. Records that may be created in electronic format and maintained electronically include, but are not limited to, the following:

- (1) Child immunization records.
- (2) Parental job verification records.
- (3) Parent income verification.
- (4) Parent school or training verifications and attendance records.

(b) Pursuant to Section 33421, the original records shall be retained by each contractor for at least five years, or, where an audit has been requested by a state agency, until the date the audit is resolved, whichever is longer.

(c) Nothing in this section requires an alternative payment program or provider to create records electronically.

SEC. 3. Section 8262.1 is added to the Education Code, to read:

8262.1. (a) Contractors operating or providing services pursuant to this chapter may maintain records in electronic format only if the original documents were created in electronic format. Records that may be created in electronic format and maintained electronically include, but are not limited to, the following:

- (1) Child immunization records.
- (2) Parental job verification records.
- (3) Parent income verification.
- (4) Parent school or training verifications and attendance records.

(b) Pursuant to Section 33421, the original records shall be retained by each contractor for at least five years, or, where an audit has been requested by a state agency, until the date the audit is resolved, whichever is longer.

(c) Nothing in this section requires a contractor to create records electronically.

SEC. 4. Section 8262.3 is added to the Education Code, to read:

8262.3. On and after the date on which the Superintendent determines that the Financial Information System for California (Fi\$Cal Project) has been implemented within the department, at the request of a contractor, for a contract executed by the department pursuant to Section 8262, the department shall request the Controller to make a payment via direct deposit

by electronic funds transfer through the Fi\$Cal Project into the contractor's account at the financial institution of the contractor's choice.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.